



January 27, 2006

SENATE BILL No. 299

DIGEST OF SB 299 (Updated January 24, 2006 12:53 pm - DI 106)

Citations Affected: IC 35-44; noncode.

Synopsis: Trafficking with an inmate. Makes delivering contraband directly or indirectly to an inmate who has been or is being transported from a penal facility to attend judicial proceedings a Class A misdemeanor. Makes the offense a Class D felony if the contraband is a controlled substance and a Class C felony if the contraband is an item that may be used as a weapon.

Effective: July 1, 2006.

Long, Bray

January 9, 2006, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
January 26, 2006, reported favorably — Do Pass.

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SB 299—LS 6821/DI 106+



January 27, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

SENATE BILL No. 299

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-44-3-9.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2006]: **Sec. 9.3. (a) As used in this section, "contraband" means**
4 **the following:**

- 5 (1) **Alcohol.**
- 6 (2) **A cigarette or tobacco product.**
- 7 (3) **A controlled substance.**
- 8 (4) **An item that may be used as a weapon.**

9 **(b) As used in this section, "inmate outside a facility" means a**
10 **person who is incarcerated in a penal facility or detained in a**
11 **juvenile facility on a full-time basis as the result of a conviction or**
12 **a juvenile adjudication but who has been or is being transported to**
13 **another location to participate in or prepare for a judicial**
14 **proceeding. The term does not include the following:**

- 15 (1) **An adult or juvenile pretrial detainee.**
- 16 (2) **A person serving an intermittent term of imprisonment or**
17 **detention.**

SB 299—LS 6821/DI 106+



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1 **(3) A person serving a term of imprisonment or detention as:**

2 **(A) a condition of probation;**

3 **(B) a condition of a community corrections program;**

4 **(C) part of a community transition program;**

5 **(D) part of a reentry court program;**

6 **(E) part of a work release program; or**

7 **(F) part of a community based program that is similar to**
 8 **a program described in clauses (A) through (E).**

9 **(4) A person who has escaped from incarceration or walked**
 10 **away from secure detention.**

11 **(5) A person on temporary leave (as described in IC 11-10-9)**
 12 **or temporary release (as described in IC 11-10-10).**

13 **(c) A person who, with the intent of providing contraband to an**
 14 **inmate outside a facility:**

15 **(1) delivers contraband to an inmate outside a facility; or**

16 **(2) places contraband in a location where an inmate outside**
 17 **a facility could obtain the contraband;**

18 **commits trafficking with an inmate outside a facility, a Class A**
 19 **misdemeanor. However, the offense is a Class D felony if the**
 20 **contraband is an item described in subsection (a)(3), and a Class C**
 21 **felony if the contraband is an item described in subsection (a)(4).**

22 **SECTION 2. [EFFECTIVE JULY 1, 2006] IC 35-44-3-9.3, as**
 23 **added by this act, applies only to crimes committed after June 30,**
 24 **2006.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 299, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 299 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 8, Nays 0.

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